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JUL 30 2004

PTO/SB/21 (02-04)

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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Application Number	10/051,307
Filing Date	January 22, 2002
First Named Inventor	Ziyu Dai
Art Unit	1638
Examiner Name	Fox, David T.
Attorney Docket Number	12571-E

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
<b>Remarks</b> Response to July 1, 2004 Office Action		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name	Jennifer J. Taylor, Ph.D., Reg. No. 48,711; Wells St. John P.S.
Signature	
Date	July 30, 2004

**CERTIFICATE OF TRANSMISSION/MAILING**

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Typed or printed name	Jaime M. White		
Signature	Jaime M. White	Date	7-30-04

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Appl. No. 10/051,307

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OFFICIAL

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Serial No. .... 10/051,307  
Filing Date ..... January 22, 2002  
Inventor..... Ziyu Dai et al.  
Assignee..... Battelle Memorial Institute  
Group Art Unit ..... 1638  
Examiner ..... Fox, David T.  
Attorney's Docket No. ..... 12571-E  
Customer No. ..... 021567  
Title: Gene Promoters Isolated from Potato and Use Thereof

RESPONSE TO JULY 1, 2004 OFFICE ACTION

To: MS Amendments  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

From: Jennifer J. Taylor, Ph.D. (Tel. 509-624-4276; Fax 509-838-3424)  
Wells St. John P.S.  
601 W. First Avenue, Suite 1300  
Spokane, WA 99201-3828

AMENDMENTS

Introductory Comments

In reply to the Office Action of July 1, 2004 applicant amends and remarks as follows.